

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

ROBERT SCHIRMER

Proposed
Order of Restitution

S1 23 Cr. 133 (JMF)

Upon the application of the United States of America, by its attorney, Damian Williams, United States Attorney for the Southern District of New York, Katherine C. Reilly, Danielle Kudla, Kevin Mead, Qais Ghafary, Assistant United States Attorneys, of counsel; the presentence investigation report; the defendant's conviction on Count One of the Information; and all other proceedings in this case, it is hereby ORDERED that:

1. Amount of Restitution

Robert Schirmer, the defendant, shall pay restitution in the total amount of \$9,340,729, pursuant to 18 U.S.C. § 3663; 18 U.S.C. § 3663A, to Polar Air Cargo Worldwide, Inc. ("Polar"), the victim of the offense charged in Count One. The address of Polar is set forth in the Schedule of Victims, attached hereto as Schedule A. Upon advice by the United States Attorney's Office of a change of address of a victim, the Clerk of Court is authorized to send payments to the new address without further order of this Court.

A. Joint and Several Liability

Restitution is joint and several with the following defendants in the cases *United States v. Winkelbauer et al.*, 23 Cr. 133 (JMF) and *United States v. Filimaua et al.*, 22 Cr. 261 (ALC), in the amounts set forth below:

Amount	Loss Attributable to Vendor/Customer	Joint and Several Liability With
\$662,568	Gateway Cargo Consolidators, LLC	Winkelbauer, Kurien, Lopez, Cino
\$5,748,743	Cargo on Demand, Inc.	Winkelbauer, Kurien, Lau, Lopez, Filimaua
\$2,929,418	Fato LLC	Winkelbauer, Kurien, Lopez, Cino

The defendant's liability to pay restitution shall continue unabated until either the defendant has paid the full amount of restitution ordered herein, or every victim in Schedule A has recovered the total amount of each loss from the restitution paid by the defendant and all co-defendants ordered to pay the same victims.

2. Schedule of Payments

Pursuant to 18 U.S.C. § 3664(f)(2), in consideration of the financial resources and other assets of the defendant, including whether any of these assets are jointly controlled; projected earnings and other income of the defendant; and any financial obligations of the defendant; including obligations to dependents, the defendant shall pay restitution in the manner and according to the schedule that follows:

In the interest of justice, restitution will be payable in installments pursuant to 18 U.S.C. § 3572(d)(1) and (2). The defendant will commence monthly installment payments of 15 percent of the defendant's gross income, payable on the fifteenth day of each month.

3. Payment Instructions

The defendant shall make restitution payments by certified check, money order, or online. Instructions for online criminal debt payments are available on the Clerk of Court's website at <https://nysd.uscourts.gov/payment-information#PaymentofCriminalDebt>. Checks and money orders shall be made payable to the "SDNY Clerk of Court" and mailed or delivered to: United

States Courthouse, 500 Pearl Street, New York, New York 10007 - Attention: Cashier, as required by 18 U.S.C. § 3611. The defendant shall write his/her name and the docket number of this case on each check or money order.

4. Change in Circumstances

The defendant shall notify, within 30 days, the Clerk of Court, the United States Probation Office (during any period of probation or supervised release), and the United States Attorney's Office, 86 Chambers Street, 3rd Floor, New York, New York 10007 (Attn: Financial Litigation Program) of (1) any change of the defendant's name, residence, or mailing address or (2) any material change in the defendant's financial resources that affects the defendant's ability to pay restitution in accordance with 18 U.S.C. § 3664(k).

5. Term of Liability

The defendant's liability to pay restitution shall terminate on the date that is the later of 20 years from the entry of judgment or 20 years after the defendant's release from imprisonment, as provided in 18 U.S.C. § 3613(b). Subject to the time limitations in the preceding sentence, in the event of the death of the defendant, the defendant's estate will be held responsible for any unpaid balance of the restitution amount, and any lien filed pursuant to 18 U.S.C. § 3613(c) shall continue until the estate receives a written release of that liability.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS

United States Attorney for the
Southern District of New York

By: _____

Katherine C. Reilly,
Danielle Kudla, Kevin Mead, Qais Ghafary
26 Federal Plaza, 37th Fl.
New York, New York 10007
Tel.: (212) 637-6521

8/27/24
DATE

ROBERT SCHIRMER

By:

Robert Schirmer

8/27/24

DATE

By:

Samidh Guha

Samidh Guha

Guha PLLC

1740 Broadway, 15th Floor

New York, NY 10019

8/27/2024

DATE

SO ORDERED:

Jesse M. Furman

HONORABLE JESSE M. FURMAN

UNITED STATES DISTRICT JUDGE

8/27/24

DATE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : Schedule A
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: .
- v. - : .
: .
ROBERT SCHIRMER, : S1 23 Cr. 133 (JMF)
: .
: .
Defendant. : .
: .
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Victim and Contact Information	Amount
Polar Air Cargo Worldwide, Inc. c/o Cravath, Swaine & Moore LLP Attn.: Lindsay Timlin, Esq., Two Manhattan West, 375 Ninth Avenue New York, NY 10001	\$9,340,729